



Sen. Randall M. Hultgren

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LRB096 03501 RLJ 26305 a

1 AMENDMENT TO HOUSE BILL 621

2 AMENDMENT NO. _____. Amend House Bill 621 as follows:

3 on page 1, lines 4 and 5, by replacing "Section 105-15" with
4 "Sections 105-15 and 205-75"; and

5 on page 3, immediately below line 6, by inserting the
6 following:

7 "(60 ILCS 1/205-75)

8 Sec. 205-75. Liens; recovery of money due.

9 (a) Charges or rates established under this Article are
10 liens upon the real estate upon or for which a system is
11 supplied. Liens do not attach to the real estate until the
12 charges or rates have become delinquent as provided by an
13 ordinance fixing a delinquency date.

14 (b) Nothing in this Section shall be construed to give the
15 township board or the township utility board a preference over

1 the rights of any purchaser, mortgagee, judgment creditor, or
2 other lien holder arising before the filing of notice of the
3 lien in the office of the recorder of the county in which the
4 real estate is located or in the office of the registrar of
5 titles of the county if the property is registered under the
6 Registered Titles (Torrens) Act. The notice shall consist of a
7 sworn statement setting forth (i) a description of the real
8 estate, sufficient for its identification, upon or for which
9 the system was supplied, (ii) the amount or amounts of money
10 due for services of the system, and (iii) the date or dates
11 when the amount or amounts became delinquent.

12 (c) The township board or the township utility board may
13 foreclose the lien in the same manner and with the same effect
14 as the foreclosure of mortgages on real estate.

15 (d) The township board or the township utility board may
16 file an action in the circuit court to recover money due for
17 services of a system, plus a reasonable attorney's fee to be
18 fixed by the court. Whenever a judgment is entered in a civil
19 action, the provisions of this Section with respect to filing
20 sworn statements of delinquencies in the office of the recorder
21 and creating a lien against the real estate are not effective
22 as to the charges sued upon, and no lien exists thereafter
23 against the real estate for the delinquency. A judgment in a
24 civil action operates as a release and waiver of the lien upon
25 the real estate for the amount of judgement.

26 (e) The payment of delinquent charges for sewerage service

1 to any premises may be enforced by discontinuing the water
2 service, the sewerage service, or both to the premises. A rate
3 or charge is delinquent if it is more than 30 days overdue. Any
4 public or municipal corporation or political subdivision of the
5 State furnishing water service to the premises (i) shall
6 discontinue that service upon receiving written notice from the
7 township board or the township utility board in which the
8 premises lies that payment of the rate or charge for sewerage
9 service to the premises has become delinquent and (ii) shall
10 not resume water service until it receives a similar notice
11 that the delinquency has been removed. The provider of sewerage
12 service shall not request discontinuation of water service
13 pursuant to this subsection before sending a notice of the
14 delinquency to the sewer user and affording the user an
15 opportunity to be heard. During any such hearing, the provider
16 of sewerage service shall consider the financial ability of the
17 user to make immediate full payment and consider the
18 establishment of a deferred payment plan to recoup any
19 delinquent charges. The township board or the township utility
20 board shall reimburse the public or municipal corporation or
21 political subdivision of the State for the reasonable cost of
22 discontinuing and reestablishing water service to the
23 premises. The township board or the township utility board may
24 contract with any privately owned public utility for the
25 discontinuance of water service to a premises with respect to
26 which the payment for a rate or charge for sewerage service has

1 become delinquent. The township board or township utility board
2 shall reimburse the water service provider for any lost water
3 service revenues due to discontinuing water service under this
4 subsection, and shall indemnify the water service provider for
5 any judgment and related attorney's fees resulting from an
6 action based on any provision of this subsection.

7 (Source: P.A. 84-794; 88-62.)".